

Paper 1

Mail Stop Interference
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Filed February 25, 2009

UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

JOHN ROBERT ADAIR, DILJEET SINGH ATHWAL,
AND JOHN SPENCER EMTAGE,
Junior Party
(U.S. Application 08/846,658),

v.

CARY L. QUEEN, MAN SUNG CO, WILLIAM P. SCHNEIDER,
NICHOLAS F. LANDOLFI, KATHLEEN L. COELINGH,
AND HAROLD E. SELICK
Senior Party
(U.S. Patent 5,585,089).

Patent Interference No. 105,688 (MPT)
(Technology Center 1600)

DECLARATION - Bd.R. 203(b)¹

Part A. Declaration of interference

An interference is declared (35 U.S.C. § 135(a)) between the above-identified parties. Details of the application(s), patent (if any), reissue application

¹ "Bd.R. x" may be used as shorthand for "37 C.F.R. § 41.x". 69 Fed. Reg. 49960, 49961 (12 Aug. 2004).

(if any), count(s) and claims designated as corresponding or as not corresponding to the count(s) appear in Parts E and F of this DECLARATION.

Part B. Judge managing the interference

Administrative Patent Judge Michael P. Tierney has been designated to manage the interference. Bd. R. 104(a).

Part C. Standing order

A Trial Section STANDING ORDER [SO] (Paper 2) accompanies this DECLARATION. The STANDING ORDER applies to this interference.

Part D. Initial conference call

A telephone conference call to discuss the interference is set for **2:00 p.m.** (EST) on **April 16, 2009** (the Board will initiate the call).

No later than four business days prior to the conference call, each party shall file and serve (SO ¶¶ 10.1 & 105) a list of the motions (Bd. R. 120; Bd. R. 204; SO ¶¶ 104.2.1, 120 & 204) the party intends to file.

A sample schedule for taking action during the motion phase appears as Form 2 in the STANDING ORDER. Counsel are encouraged to discuss the schedule prior to the conference call and to agree on dates for taking action. A typical motion period lasts approximately eight (8) months. Counsel should be prepared to justify any request for a shorter or longer period.

Part E. Identification and order of the parties

Junior Party

Named inventors: JOHN ROBERT ADAIR, HIGH WYCOMBE, UK
DILJEET SINGH ATHWAL, LONDON, UK
JOHN SPENCER EMTAGE, MARLOW, UK

Involved Application: U.S. Application 08/846,658, filed May 1, 1997

Title: Humanised Antibodies

Assignee: UCB Celltech

Senior Party

Named Inventors: CARY L. QUEEN, LOS ALTOS, CA
MAN SUNG CO, CUPERTINO, CA
WILLIAM P. SCHNEIDER, MOUNTAIN VIEW, CA
NICHOLAS F. LANDOLFI, MILPITAS, CA
KATHLEEN L. COELINGH, SAN FRANCISCO, CA
HAROLD E. SELICK, BELMONT, CA

Involved Patent: U.S. Patent 5,585,089, issued December 17, 1996, based upon U.S. Application 08/447,728, filed June 7, 1995

Title: Humanized Immunoglobulins

Assignee: Protein Design Labs, Inc.

The senior party is assigned exhibit numbers 1001-1999. The junior party is assigned exhibit numbers 2001-2999. Bd. R. 154(c)(1); SO ¶ 154.2.1. The senior party is responsible for initiating settlement discussions. SO ¶ 126.1.

Part F. Count and claims of the parties

Count 1

A humanized immunoglobulin according to Claim 24 of U.S. Application 08/846,658 or Claim 1 of U.S. Patent 5,585,089.

The claims of the parties are:

Adair '728 Application: 24-31

Queen '089 Patent: 1-11

The claims of the parties which correspond to Count 1 are:

Adair '728 Application: 24-31

Queen '089 Patent: 1-11

The claims of the parties which do not correspond to Count 1, and therefore are not involved in the interference, are:

None

The parties are accorded the following benefit for Count 1:

None. The parties have 35 U.S.C. §§ 119 and 120 benefit claims going back approximately twenty (20) years, the benefit of which may be in dispute. The parties will be provided an opportunity to request authorization to file motions for § 102(g) priority benefit during the initial conference call.

Part G. Heading to be used on papers

The following heading must be used on all papers filed in this interference,
see SO ¶ 106.1.1:

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Part H. Order form for requesting file copies

When requesting copies of files, use of SO Form 4 will greatly expedite processing of the request. Please attach a copy of Parts E and F of this DECLARATION with a hand-drawn circle around the patents and applications for which a copy of a file wrapper is requested.

/Michael P. Tierney/
Administrative Patent Judge

Enc:

Copy of STANDING ORDER
Form PTO-850
Copy U.S. Patent 5,585,089
Copy of claims of U.S. Application 08/846,658

Revised 3 January 2006

cc (via overnight delivery):

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